

# Notice of Allowability

Application No.

09/771,430

Examiner

William L. Miller

Applicant(s)

DOERR ET AL.

Art Unit

3677

## -- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--

All claims being allowable, PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice of Allowance (PTOL-85) or other appropriate communication will be mailed in due course. **THIS NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RIGHTS.** This application is subject to withdrawal from issue at the initiative of the Office or upon petition by the applicant. See 37 CFR 1.313 and MPEP 1308.

1. ☒ This communication is responsive to amendment received 06-25-2004.
2. ☒ The allowed claim(s) is/are 14-16, 20-24 and 27-49.
3. ☒ The drawings filed on 11 March 2002 are accepted by the Examiner.
4. ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
  - a) ☐ All    b) ☐ Some\*    c) ☐ None    of the:
  1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

\* Certified copies not received: \_\_\_\_\_.

Applicant has THREE MONTHS FROM THE "MAILING DATE" of this communication to file a reply complying with the requirements noted below. Failure to timely comply will result in ABANDONMENT of this application.  
**THIS THREE-MONTH PERIOD IS NOT EXTENDABLE.**

5. ☐ A SUBSTITUTE OATH OR DECLARATION must be submitted. Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL PATENT APPLICATION (PTO-152) which gives reason(s) why the oath or declaration is deficient.
6. ☐ CORRECTED DRAWINGS (as "replacement sheets") must be submitted.
  - (a) ☐ including changes required by the Notice of Draftsperson's Patent Drawing Review (PTO-948) attached
    - 1) ☐ hereto or 2) ☐ to Paper No./Mail Date \_\_\_\_\_.
  - (b) ☐ including changes required by the attached Examiner's Amendment / Comment or in the Office action of Paper No./Mail Date \_\_\_\_\_.

Identifying indicia such as the application number (see 37 CFR 1.84(c)) should be written on the drawings in the front (not the back) of each sheet. Replacement sheet(s) should be labeled as such in the header according to 37 CFR 1.121(d).
7. ☐ DEPOSIT OF and/or INFORMATION about the deposit of BIOLOGICAL MATERIAL must be submitted. Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.

### Attachment(s)

1. ☒ Notice of References Cited (PTO-892)
2. ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3. ☐ Information Disclosure Statements (PTO-1449 or PTO/SB/08),  
Paper No./Mail Date \_\_\_\_\_
4. ☐ Examiner's Comment Regarding Requirement for Deposit  
of Biological Material
5. ☐ Notice of Informal Patent Application (PTO-152)
6. ☒ Interview Summary (PTO-413),  
Paper No./Mail Date 09142004.
7. ☒ Examiner's Amendment/Comment
8. ☒ Examiner's Statement of Reasons for Allowance
9. ☐ Other \_\_\_\_\_.

William L. Miller  
Primary Examiner  
Art Unit: 3677

### EXAMINER'S AMENDMENT

1. Applicant's request for reconsideration of the finality of the rejection of the last Office action is persuasive and, therefore, the finality of that action is withdrawn. Moreover, the 10-29-2003 submission of the declaration under 37 C.F.R. 1.131 by Doerr is sufficient to antedate the Cohen et al. reference. The amendment received 06-25-2004 has been entered.
2. An examiner's amendment to the record appears below. Should the changes and/or additions be unacceptable to applicant, an amendment may be filed as provided by 37 CFR 1.312. To ensure consideration of such an amendment, it MUST be submitted no later than the payment of the issue fee.

Authorization for this examiner's amendment was given in a telephone interview with Salim Hasan on 07-14-2004 and on 09-01-2004.

The application has been amended as follows:

In the claims:

Claim 14, line 3 – change “an” to --the--;

Claim 14, line 5 - change “so as to be capable of” to --thereby--;

Claim 14, line 6 - change “can be” to --is--;

Claim 28, line 1 – change “17” to --27--;

Claim 29, line 3 – change “an” to --the--;

Claim 29, lines 5-6 - change “so as to be capable of” to --thereby--;

Claim 29, line 6 - change “can be” to --is--;

Claim 30, line 3 – change “an” to --the--;

---

Art Unit: 3677

Claim 30, lines 5-6 - change "so as to be capable of" to --thereby--;

Claim 30, line 6 - change "can be" to --is--; and

Claim 31, line 8 - change "(d)" to --(c)--.

3. The following is an examiner's statement of reasons for allowance: Regarding claim 14, Brewster (US#5573825) discloses in Fig. 6 a hang tag 180 capable of being attached to an elongated object via a securing strap 188, the tag comprising: a first (front) surface; a second (rear) surface; and a slot 182 for threading the strap therethrough. Brewster fails to disclose the claimed dimensional range of the slot, however, it would have been obvious to one of ordinary skill in the art to utilize a slot having the claimed dimensional range since it has been held that where the general conditions of a claim are disclosed in the prior art, discovering the optimum or workable ranges involves only routine skill in the art. *In re Aller*, 105 USPQ 233. Brewster fails to disclose the hang tag can hold a 5 lb weight without slipping from the object by more than 0.5 inches, however, tags designed to meet this standard are known as evidenced by Doerr et al. (US#5658648) (see col. 1, lines 44-60). Brewster fails to disclose or suggest the tag being attached to the object via a machine having at least one jaw suitable for applying the strap to the object as the slot permits the jaw to travel therethrough so the strap is threaded through the slot automatically by the jaw. It would not have been obvious to one of ordinary skill in the art to modify Brewster such that at least one jaw of a machine was used to apply the strap to the object as the slot permitted the jaw to travel therethrough so that the strap was threaded through the slot automatically by the jaw.

Art Unit: 3677

4. Claims 29 and 30 include the allowable subject matter discussed above with respect to claim 14 and are therefore allowable for at least the same reason(s).
5. Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance."

### *Conclusion*

6. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. See PTO-892.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to William L. Miller whose telephone number is 703 305 3978. The examiner can normally be reached on Tuesday-Thursday.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, J. J. Swann can be reached on 703 306 4115. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

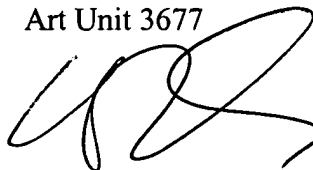
Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Application/Control Number: 09/771,430

Page 5

Art Unit: 3677

William L. Miller  
Primary Examiner  
Art Unit 3677

A handwritten signature in black ink, appearing to be 'WLM', written over the printed name.

WLM

09-14-2004